

TOWNSHIP OF BURLINGTON

RESOLUTION

2026-R-087

**RESOLUTION OF THE TOWNSHIP COUNCIL SEEKING APPROVAL OF AN
UPDATED SPENDING PLAN**

WHEREAS, the Township of Burlington (hereinafter “Township” or “Burlington”) adopted a Development Fee Ordinance, which established standards for the imposition and collection of development fees; and

WHEREAS, the New Jersey Legislature adopted the Statewide Nonresidential Development Fee Act (“SNDFA”); and

WHEREAS, the Township imposed and collected fees in accordance with its Development Fee Ordinance and the SNDFA; and

WHEREAS, in accordance with governing regulations the Township deposited fees collected in its affordable housing trust fund; and

WHEREAS, the Township has adopted Spending Plans during each affordable housing round to demonstrate how the Township planned to spend the trust fund money in accordance with applicable laws to provide affordable housing; and

WHEREAS, the Burlington Planning Board included a Spending Plan in the Housing Element and Fair Share Plan (“HEFSP”) which it adopted in June of 2025; and

WHEREAS, in December of 2025, the New Jersey Department of Community Affairs (“DCA”) adopted new regulations governing how affordable housing fees may be spent; and

WHEREAS, the Township Council wishes to demonstrate its commitment to spending trust fund monies to provide affordable housing in accordance with the new regulations; and

WHEREAS, accordingly, the administration with the assistance of the Township Planner and Affordable Housing Special Counsel have updated the June 2025 Spending Plan to comply with the December 2025 DCA regulations (“Revised Spending Plan”); and

WHEREAS, the Township Council has received and reviewed the attached Revised Spending Plan and finds that it is in the best interest of the Township to adopt it and seek approval of same in conjunction with its efforts to secure approval of its amended HEFSP.

NOW, THEREFORE, BE IT RESOLVED by the Township Council as follows:

1. The Township Council hereby approves the Revised Spending Plan.

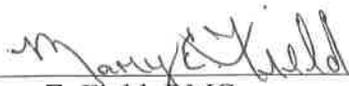
2. The Township Council hereby directs Affordable Housing Special Counsel, the Township Planner and involved Township staff to take all necessary actions to secure approval of the Revised Spending Plan in conjunction with their efforts to secure approval of the Township's amended HEFSP.

DATE: March 10, 2026

TOWNSHIP OF BURLINGTON

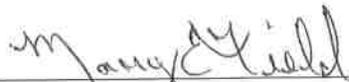

George M. Kozub
President of Council

ATTEST:


Mary E. Field, RMC
Municipal Clerk

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township Council of the Township of Burlington at a Regular Meeting held on the 10th day of March 2026.


Mary E. Field, RMC
Municipal Clerk

TOWNSHIP OF BURLINGTON
FOURTH ROUND: AFFORDABLE HOUSING SPENDING PLAN

The Township of Burlington (hereinafter the "Township"), Burlington County, has prepared a Housing Element and Fair Share Plan that addresses its Fourth Round fair share obligation of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (FHA) (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:91-1 et seq. and N.J.A.C. 5:93-1 et seq.) and N.J.A.C. 5:99 et seq.. The Township began collecting development fees in 1995, after its initial Development Fee Ordinance was adopted by the Township, which was approved by COAH. The balance of the fund as of April 30, 2025 was \$9,270,247.

As of April 30, 2025, Burlington collected a total of \$19,310,736 in development fees, \$949,455 in interest, and \$215,841 from other income. All development fees, other" income, and interest generated by the fees are deposited in one (1) separate interest-bearing account dedicated toward the creation of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:99 et seq., as described in the sections that follow.

This updated Spending Plan is submitted to the Superior Court of New Jersey for approval to expend Affordable Housing Trust Fund monies that will contribute to general affordable housing opportunities that may present themselves including but not limited to gap funding for 100% affordable housing projects, supportive and special needs homes, extensions of controls and homes purchased out of foreclosure and tax sales for the creation of affordable housing units. Additionally, the Township will expend funds on affordability assistance, including expenditures to create very-low income units or to render existing units more affordable, and toward administrative expenses.

REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of Fourth Round Judgment of Repose, Burlington considered the following:

- (a) **Development fees:** **\$6,000,000**
1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
 2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
 3. Future development that is likely to occur based on historical rates of development.

- (b) **Payment in lieu (PIL):** **\$0**

Payment in lieu funds mean actual and committed payments in lieu of construction from developers.

- (c) **Other funding sources:** **\$0**

The Township does not anticipate future funds from this category.

- (d) **Projected interest:** **\$300,000**

Based on interest earned in recent years and projected rates of development fee revenue, Burlington anticipates collecting \$300,000 in interest through 2035.

Burlington Township projects a subtotal of \$6,300,000 to be collected between May, 2025 and June 30, 2035, including interest, to be used for affordable housing purposes. The total, after adding the funds currently in the account, is projected to be \$15,570,247. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by Burlington Township:

a) Collection of development fee revenues:

All collection of development fee revenues will be consistent with local regulations which follow COAH administrative models for both residential and non-residential developments and in accordance with N.J.S.A. 40:55D-8.1 through 8.7.

(b) Distribution of development fee revenues:

The governing body may hear and decide upon a request for development fee revenues for the purpose of creating affordable housing. The governing body reviews the request for consistency with the Spending Plan and adopts the recommendation by resolution.

The release of funds requires the adoption of the governing body resolution. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) Affordability Assistance

Burlington Township shall spend 30 percent of development fee revenue to render affordable units more affordable and at least one-third of that amount must be dedicated to very low-income households or to create very low-income units (i.e. households with incomes less than 30 percent of the regional median income). The

actual affordability assistance minimums should be calculated based on actual revenues.

Projected Affordability Assistance		
Actual Development Fees Collected through 4/30/25		\$19,310,736
Actual Interest earned through 4/30/25	+	\$949,455
Development Fees Projected 2025-2035	+	\$6,000,000
Payment In Lieu Projected 2025-2035	+	\$0
Interest Projected 2025-2035	+	\$300,000
Less Housing Activity Expenditures	-	\$8,371,033
Total	=	\$18,189,158
30 Percent	x 0.30 =	\$5,456,747
Less Affordability Assistance Expenditures through 4/30/25	-	\$550,000
Balance	=	\$4,906,747
Projected Minimum Affordability Assistance Requirement	=	\$1,635,582
Projected Minimum Very Low-Income Requirement	÷ 3 =	\$545,194

Based on fees and interest collected to date and projected revenues, Burlington Township will dedicate at least \$1,635,582 from the affordable housing trust fund to render units more affordable, including \$545,194 to render units more affordable to households with income at 30 percent or less of median income by region. Please refer to the existing affordability assistance program manual provided as an appendix to the Spending Plan for details of how the affordability assistance funds are anticipated to be used. It may use a variety of vehicles to do this including, but not limited to the following:

- Emergency Repair Program;
- Down-payment assistance;
- Rental assistance;

- Security deposit assistance;
- Moving expenses;
- Low interest loans;
- Assistance with homeowners' association or condominium fees and special assessments; and/or
- Converting low-income units to very-low-income units or creating new very-low income units, etc.

The Township will work with its affordable housing providers and administrator to expand outreach to ensure the existing and new households of very-low-, low- and moderate-income programs can take advantage of affordability assistance programs. Additionally, the Township will work with affordable housing providers to convert low income units to very low-income units.

(e) Administrative Expenses (N.J.A.C. 5:93-8.16(e))

Burlington Township may use Affordable Housing Trust Fund revenue for related administrative costs up to a 20 percent limitation pending funding availability after programmatic and affordability assistance expenditures. The actual administrative expense maximum is calculated on an ongoing basis based on actual revenues.

Projected Administrative Expenses		
Actual Development Fees Collected through 4/30/2025		\$19,310,736
Actual Interest Collected through 4/30/2025	+	\$949,455
Payments-in-lieu of construction and other deposits through 4/30/2025	+	\$215,841
Development Fees Projected 2025-2035	+	\$6,000,000
Payments In Lieu Projected 2025-2035	+	\$0
Interest Projected 2025-2035	+	\$300,000
Total	=	\$26,776,032

Projected Administrative Expenses		
20 Percent Maximum Permitted Administrative Expenses	x 0.20 =	\$5,355,206
Less Administrative Expenditures through 4/30/25	-	\$2,139,725
Projected Allowed Administrative Expenditures	=	\$3,215,481

Burlington Township projects that \$3,215,481 may be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures are subject to the 20 percent cap and therefore should be paid back into the trust fund if the administrative costs exceed 20% of the fund balance. Allowable administrative costs are as follows, provided they do not exceed the 20 percent cap:

- Township Attorney, Engineer, and Planner fees related to plan preparation and implementation, and to obtaining Judgment of Compliance and Repose;
- Administration fees related to rehabilitation, extension of expiring controls, affordability assistance programs, and municipally-sponsored construction programs;
- Affirmative Marketing;
- Income qualification of households; and
- Administration of Township’s Affordable Housing Units.

EXPENDITURE SCHEDULE

Burlington Township intends to use Affordable Housing Trust Fund revenues for its municipally-sponsored construction program including the creation of very-low income units and making existing units more affordable, and administration expenses (as permitted).

Projected Expenditure Schedule 2025 Through 2035

Program	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
Affordability Assistance	\$80k	\$160k	\$80k	\$1.6M								
New Construction	\$850k	\$970k	\$933k	\$10.1M								
Rehabilitation	\$130k	\$260k	\$130k	\$2.6M								
Extension of Controls	-	-	-	-	-	-	-	\$140k	\$140k	\$140k	-	\$420k
Administration	\$50k	\$150k	\$50k	\$150k	\$50k	\$750k						
TOTAL	\$1.1M	\$1.5M	\$1.3M	\$1.4M	\$1.4M	\$1.4M	\$1.4M	\$1.5M	\$1.5M	\$1.5M	\$1.2M	\$15.5M

EXCESS OR SHORTFALL OF FUNDS

In the event that a shortfall of anticipated revenues occurs, Burlington will bond to satisfy the gap in funding. In the event that funds exceed projected expenditures, the Township will devote any excess funds on additional affordability assistance above the 30 percent minimum requirement. Alternatively, the Township reserves the opportunity to amend its Housing Element and Fair Share Plan, as well as this Spending Plan, to create additional affordable housing opportunities.

SUMMARY

The Township of Burlington intends to spend Affordable Housing Trust Fund revenues pursuant to the extent regulations governing such funds and consistent with the housing programs outlined in the 2025 Fourth Round Housing Plan Element and Fair Share Plan. Burlington had a balance of \$9,270,247 as of April 30, 2025 and anticipates an additional

\$6,300,000 in revenues and interest before the expiration of a Fourth Round Judgment of Repose for a total of \$15,570,247.

Spending Plan Summary	
Revenues	
Balance as of April 30, 2025	\$9,270,247
Projected Revenue from 2025 through 2035	\$6,300,000
1. Development Fees	+ \$6,000,000
2. Payments-In-Lieu of Construction	+ \$0
3. Other Funds	+ \$0.00
Interest	+ \$300,000
Total Projected Balance	= \$15,570,247
Expenditures	
Affordability Assistance	- \$1,635,582
New Construction	- \$10,124,665
Extension of Credits	- \$420,000
Rehabilitation (132)	- \$2,640,000
Administration	- \$750,000
Total Projected Expenditures	= \$15,570,247
Remaining Balance	= \$0.00